IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 14TH AUGUST 2006 / 23RD SRAVANA 1928

WP(C).No. 16385 of 2006(A)

PETITIONER:

SRI.M.PHILIPPACHAN,
PAINGAL HOUSE, POOVANCHIRA P.O.,THRISSUR DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS:
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1. THE PRINCIPAL-IN-CHARGE,
GOVT. H.S.S., PATTIKKAD, THRISSUR.

2. THE DEPUTY DIRECTOR OF EDUCATION,
CIVIL STATION, THRISSUR.

3. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.P.V.LONACHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER,J

W.P.C.No.16385 OF 2006

Dated this the 14th day of August 2006

JUDGMENT

Petitioner claims that he is the President of Parent Teacher Association (for short PTA) of Govt. Higher Secondary School, Pattikkad in Thrissur district. According to the petitioner, the Association comprises of 8 parents and 7 teachers.

2. Petitioner has trained his gun on the Principal of the Higher Secondary School. Petitioner contends that the Principal is deliberately ignoring the PTA from the school activities with a hidden agenda. He further alleges that Principal is adopting dubious method to fill up the 180 seats allotted for Plus Two classes in the school. It is further alleged by him that last year large number of qualified students were denied admission on the ground that vacancies had already been filled up. The specific case of the petitioner is that the Principal never publishes the list of selected students indicating the marks obtained by them in the

qualifying examination, with the result, the students/parents are at a loss to know the comparative merit of the selected students. It is also contended by the petitioner that several vacancies which had subsequently arisen in the school when some of the selected students left the institution on getting admission in other schools, were also filled up by the Principal according to his whims and fancies. Taking note of this dubious method adopted by the Principal, the PTA had requested the Principal to publish the list of the selected students on the notice board indicating their marks in the qualifying examination. It was also requested that a copy of the list be furnished to the PTA. But the Principal did not publish the list as requested. In short, the specific allegation of the petitioner is that the Principal has made the selection process his "personal business".

3. The other allegation is that the Principal had appointed a Lower Division Clerk in the school " without approaching the Public Service Commission or the Employment Exchange.".

4. The primary prayer in the writ petition is to issue a writ

of mandamus or other appropriate writ, order or direction to respondent No.1 to publish the list of the selected students for plus two course in the notice board and also to direct him to hand over a copy of the list to the petitioner and to the parents of those who require such a copy. The other prayer is to declare that the post of Clerk in the school can be filled only through P.S.C.

5. In the counter affidavit filed by the Principal, the entire allegations made in the writ petition have been denied. It is asserted by respondent No.1 that plus two admission rank list was prepared for the academic year(2006-07) as per the instructions of the Director of Higher Secondary Education using the software produced by National Informatic Centre under the instructions of SCERT and DHSE. It is also stated that a complete selection list was prepared and published in three large notice boards in front of the office on 03-07-2006. Index marks and rank of every selected candidate were also clearly indicated in the list. A copy of the rank list was submitted before the Deputy Director of Education, Thrissur also.

6. As regards the appointment of Lower Division Clerk, it is averred by the Principal that a part time computer expert was decided to be appointed purely on a daily wage basis in order to assist the office of the school in the preparation of the rank list. This decision was taken by the School Welfare Committee since there was no competent teacher who was well versed in computer science with enough experience, in the school. More importantly the decision to appoint the temporary hand was taken by the staff council and the Welfare committee. Ext.R1(a) is stated to be the true photocopy of the proceedings of the committee meeting held on June 5, 2006. It is revealed from the proceedings that the expenditure for this purpose had to be met by the Welfare Committee. Since the admission process was over, the service of the temporary hand was terminated on July 15, 2006.

7. Respondent No.1 has raised a specific contention that petitioner had not been elected as the PTA president as per the PTA rules. A copy of the minutes of the PTA dated October 24, 2005 has been produced as Ext.R1(b). It is contended

by respondent No.1 that the outgoing president had nominated the petitioner. None of the parents or teachers were present at the meeting. They had not signed in the minutes also. It is also pointed out that the said minutes of the PTA meeting had not been signed or approved by the Headmistress who is the Secretary. The Welfare Executive committee of the Higher Secondary students had unanimously decided to collect a welfare fund for the well being of the students. Proper receipts like Exts.P5 were issued to the students from whom contributions to the fund were collected.

8. It is also averred by respondent No.1 that the former Headmistress of the school had approached this court last year, when the petitioner had continuously tortured her physically and mentally. She had filed W.P.(C)No.34688/05 before this court for police protection. A copy of the judgment has been produced as Ext.R1(d). Since the petitioner had caused interference with the admission process of plus one courses, police had been requested to render assistance in completing admission process. Sub Inspector of Peechi Police station was present in the school at that

time. Petitioner was forcefully removed by the police from the office of the school on July 14, 2006. In the counter affidavit filed by respondent No.2 also, the contentions raised by respondent No.1 have been reiterated.

9. Though the petitioner has filed a reply affidavit, he has not denied the contention of respondents 1 and 2 that he was not duly elected as President of the Parent Teacher Association. Ext.R1(b) is stated to be the proceedings of the Annual General Body Meeting of the PTA held on October 24, 2005. It is seen that it was infact recorded in the Minutes that the existing Committee would continue till the new Committee assumed charge. But the said decision is seen scored off. Below this, certain names including that of the petitioner are seen recorded. They are described as the new office bearers. The names of proposers and supporters of the new office bearers are also indicated. Petitioner's name appears as the newly elected President. Ext.R1(b) does not inspire any confidence. As rightly pointed out by the learned Government Pleader, Ext.R1(b) does not show that petitioner had

been elected as the President of the PTA.

10. Anyhow, the materials on record will undoubtedly show that respondent No.1 had completed the process of selection of students of Plus Two course in terms of the directions issued by the Department. It has been asserted in the affidavit filed by respondent No.1 that the Government had extended the date of admission upto August 11, 2006. Petitioner had chosen to raise objection against the selection process in June 2006 when it was yet to be completed. It is also seen from the affidavit filed by respondent No.1 that petitioner had created a scene in the office of the school on 10th and 14th of July 2006 when the admission process was in progress. Police had to use force to remove the petitioner from the office. As mentioned earlier, petitioner has not established his locus standi to file this writ petition. More importantly he has not been able to substantiate any of the allegations made by him against respondent No.1. On the contrary, it has now come out that he has been creating problems in the school.

11. Having carefully perused the entire materials on record, I am satisfied that the petitioner has abused the process of this court. His past conduct also shows that he had been trying to interfere with the functioning of the school.

Accordingly, the writ petition is dismissed with cost of Rs.10,000/- (rupees ten thousand only). Petitioner shall pay the cost to the Welfare Executive Committee of the school within 15 days from the date of receipt of a copy of this judgment. If the amount is not paid by the petitioner as directed above, it shall be recovered from him in accordance with law.

A.K.BASHEER
JUDGE

sv.